

Notice of Allowability

Application No.

09/768,414

Examiner

Pensee T. Do

Applicant(s)

SEUL ET AL.

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on August 16, 2004.
2. ☒ The allowed claim(s) is/are 1-4, 15 renumbered as 1-4, 5 respectively.
3. ☒ The drawings filed on 24 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>Sept. 7, 2004</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Eric Mirabel on September 7, 2004.

The application has been amended as follows:

In claim 1, line 1, "separating and then" was deleted.

In claim 1, line 5, --a)—was inserted before "providing".

In claim 1, line 9, --b)—was inserted before "placing".

In claim 1, line 14, --c)—was inserted before "translocating".

In claim 1, line 19, --d)—was inserted before "merging".

Claim 2, line 2, "second" was replaced with —another distinct—.

Claim 3, line 2, "the second" was replaced with —said another distinct—.

In claim 4, lines 1-2, "generated and encoded...by a process" was deleted.

In claim 4, line 3, --a)—was inserted before "providing".

In claim 4, line 7, --b)—was inserted before "placing".

In claim 4, line 13, ---c)—was inserted before "translocating".

In claim 4, line 19, --d)—was inserted before "merging".

In claim 4, line 23, --e)—was inserted before "comparing".

Non-elected claim 10 is canceled herein.

The following is an examiner's statement of reasons for allowance: the prior arts fail to teach a process of merging distinct groups of particles in a planar assembly of particles which is formed on a substrate by sequential injection of a multiplicity of groups of particles of at least one type, said process comprising providing a substrate comprising a light-sensitive planar electrode, the light sensitive electrode being aligned with another planar electrode in substantially parallel arrangement, with said electrodes being separated by a gap, and the gap containing an electrolyte solution which is in constant with said electrodes; placing a group of at least one type of particles selected from a reservoir containing said at least one type of particles into the electrolyte solution so as to confined said injected particles into a first distinct segment of the light-sensitive electrode, wherein the first distinct segment is illuminated by an illumination source to delineate a first distinct illumination pattern on said light-sensitive electrode; translocating said confined particles to another distinct segment of the light-sensitive electrode, wherein said another distinct segment either has no particles in it or has a planar assembly of particles in it; and merging said translocated particles with any particles in said another distinct segment of the light-sensitive electrode.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pensee T. Do whose telephone number is 571-272-0819. The examiner can normally be reached on Monday-Friday, 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pensee T. Do
Patent Examiner
September 02, 2004


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11/01/04